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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

November 3, 2010

CERTIFIED RETURN RECEIPT
7004 2510 0004 1824 7241

Bonnie Birch Jensen
680 East Capitol Boulevard
Salt Lake City, Utah 84103

Subject: Proposed Assessment for State Cessation Order No. CO-2010-42-04, Peat Humus Mine, S/023/0058, Juab County, Utah

Response Due By: December 1, 2010

Dear Ms. Jensen:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the Assessment Officer for assessing penalties under R647-7.

Enclosed is the proposed civil penalty assessment for the above referenced cessation order. The cessation order was issued by Division Inspector, Wayne Western on September 15, 2010. After being returned to the Office, the Order was posted on site October 11, 2010 and again mailed certified on October 12, 2010. Effective date of service is October 15, 2010. Rule R647-7-103 et. seq. has been utilized to determine the proposed penalty of \$528.00. The enclosed worksheet outlines how the civil penalty was assessed.

By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of this Cessation Order has been considered in determining the facts surrounding the violation and the amount of this penalty.

Under R647-7-106, there are two informal appeal options available to you. You may appeal the 'Fact of the Violation', the proposed civil penalty, or both. If you wish to informally appeal you should file a written request for an Informal Conference within thirty 30 days of receipt of this letter.

The informal conference will be conducted by a Division-appointed Conference Officer. The informal conference for the fact of the violation is distinct from the informal assessment conference regarding the proposed penalty. If you wish to review both the fact of

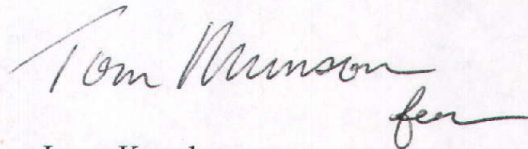


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Bonnie Birch Jensen
S/023/0058
November 3, 2010

violation and proposed penalty assessment, you should file a written request for an Assessment Conference within thirty (30) days of receipt of this letter. If you are also requesting both a review of the fact of violation, and the proposed penalty, the assessment conference will be scheduled immediately following the review of the fact of the violation.

If a timely request for review is not made, the fact of the violation will stand, the proposed penalty will become final, and will be due and payable within thirty (30) days of the date of this proposed assessment (by December 1, 2010). Please remit payment to the Division, mail c/o Vicki Bailey.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lynn Kunzler", with a stylized flourish at the end.

Lynn Kunzler
Assessment Officer

LK:eb
Enclosure: Proposed assessment worksheet
cc: Vicki Bailey, Accounting
P:\GROUPS\MINERALS\WP\M023-Juab\S0230058-JensenPeat\non-compliance\CO-2010-42-04\pro-assess-11012010a.doc

WORKSHEET FOR ASSESSMENT OF PENALTIES
DIVISION OF OIL, GAS & MINING
Minerals Regulatory Program

COMPANY / MINE Bonnie Jensen / Peat Humus Mine PERMIT S/023/0058
NOV / CO # MC-2010-42-04

ASSESSMENT DATE November 1, 2010

ASSESSMENT OFFICER Lynn Kunzler

I. HISTORY (Max. 25 pts.) (R647-7-103.2.11)

- A. Are there previous violations, which are not pending or vacated, which fall three (3) years of today=s date?

| PREVIOUS VIOLATIONS | EFFECTIVE DATE | POINTS (1pt for NOV 5pts for CO) |
|---------------------|----------------|-------------------------------------|
| <u>None</u> | <u></u> | <u></u> |

TOTAL HISTORY POINTS 0

II. SERIOUSNESS (Max 45pts) (R647-7-103.2.12)

NOTE: For assignment of points in Parts II and III, the following apply:

1. Based on facts supplied by the inspector, the Assessment Officer will determine within each category where the violation falls.
2. Beginning at the mid-point of the category, the Assessment Officer will adjust the points up or down, utilizing the inspector=s and operator=s statements as guiding documents.

Is this an EVENT (A) or Administrative (B) violation? Event
(assign points according to A or B)

A. EVENT VIOLATION (Max 45 pts.)

1. What is the event which the violated standard was designed to prevent?
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

| <u>PROBABILITY</u> | <u>RANGE</u> |
|--------------------|--------------|
| None | 0 |
| Unlikely | 1-9 |
| Likely | 10-19 |
| Occurred | 20 |

ASSIGN PROBABILITY OF OCCURRENCE POINTS 10

PROVIDE AN EXPLANATION OF POINTS:

*** *This site was permitted prior to the Division requiring annual permit fees or a reclamation surety. Permit fees have not been remitted for 4 years, and the operator has not provided a reclamation surety. It appears that the site may have been abandoned. Ten points are assigned due to the likelihood the operator will not reclaim or provide surety for this site.*

3. What is the extent of actual or potential damage? RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS 6

PROVIDE AN EXPLANATION OF POINTS:

*** *Damage points assigned in mid point of lower half of range. The actual surface disturbance that needs reclamation is minor. Cleanup of abandoned equipment and debris will be the majority of reclamation activity for this site.*

B. ADMINISTRATIVE VIOLATIONS (Max 25pts)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement?
RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS

PROVIDE AN EXPLANATION OF POINTS:

TOTAL SERIOUSNESS POINTS (A or B) 16

III. DEGREE OF FAULT (Max 30 pts.) (R647-7-103.2.13)

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE; or, was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, the failure to abate any violation due to the same or was economic gain realized by the permittee? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

| | |
|-------------------------|-------|
| No Negligence | 0 |
| Negligence | 1-15 |
| Greater Degree of Fault | 16-30 |

STATE DEGREE OF NEGLIGENCE _____

ASSIGN NEGLIGENCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS:

*** *The operator had been notified several times of the need to remit the annual permit fees and to post a reclamation surety. Points were assigned the mid-point range of Negligence.*

IV. GOOD FAITH (Max 20 pts.) (R467-7-103.2.14)

Since this violation has yet to be abated, good faith points cannot be awarded.

(Either A or B) (Does not apply to violations requiring no abatement measures)

- A. Did the operator have onsite, the resources necessary to achieve compliance of the violated standard within the permit area?
IF SO--EASY ABATEMENT

Easy Abatement Situation

| | | |
|---|---|-------------|
| X | Immediate Compliance | -11 to -20* |
| | (Immediately following the issuance of the NOV) | |
| X | Rapid Compliance | -1 to -10 |
| | (Permittee used diligence to abate the violation) | |
| X | Normal Compliance | 0 |
| | (Operator complied within the abatement period required) | |
| | (Operator complied with condition and/or terms of approved Mining and Reclamation Plan) | |

*Assign in upper of lower half of range depending on abatement occurring the 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance, or does the situation require the submission of plans prior to physical activity to achieve compliance?

IF SO--DIFFICULT ABATEMENT

Difficult Abatement Situation

- | | | |
|---|---|-------------|
| X | Rapid Compliance | -11 to -20* |
| | (Permittee used diligence to abate the violation) | |
| X | Normal Compliance | -1 to -10* |
| | (Operator complied within the abatement period required) | |
| X | Extended Compliance | 0 |
| | (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard of the plan submitted for abatement was incomplete) | |
| | (Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan) | |

EASY OR DIFFICULT ABATEMENT? _____

ASSIGN GOOD FAITH POINTS _____

PROVIDE AN EXPLANATION OF POINTS:

V. ASSESSMENT SUMMARY (R647-7-103.3)

NOTICE OF VIOLATION # MC-2010-42-04

| | | |
|------|--------------------------|-----------|
| I. | TOTAL HISTORY POINTS | <u>0</u> |
| II. | TOTAL SERIOUSNESS POINTS | <u>16</u> |
| III. | TOTAL NEGLIGENCE POINTS | <u>8</u> |
| IV. | TOTAL GOOD FAITH POINTS | <u>0</u> |
| | TOTAL ASSESSED POINTS | <u>24</u> |

TOTAL ASSESSED FINE **\$ 528**